

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LAURENCE BONNER,)	
)	
Petitioner,)	
)	
v.)	Case No. 4:06CV613 HEA
)	
AL LUEBBERS,)	
)	
Respondent,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of Magistrate Judge Thomas C. Mummert, III that the Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, [Doc. No.2], be denied. This Report and Recommendation was entered on June 10, 2009. Judge Mummert advised the parties that they had up to and including June 22, 2009 to file objections to the Report and Recommendation. On June 17, 2009, the Court received as “undeliverable mail” the copy of the Report and Recommendation sent to Petitioner. The copy was resent by the Court to the address at which the Court believes Petitioner is now incarcerated. The Court discovered this address through the investigation of Court staff. More than eleven days have passed since the re-sending of the Report and Recommendation, and this mailing has not been returned to the Court. Petitioner has not filed any objections to the Report and

Recommendation since it was resent to him.

After careful consideration, the Court will adopt and sustain the thorough analysis and reasoning of Judge Mummert as set forth in his June 10, 2009 Report and Recommendation.

Certificate of Appealability

The federal statute governing certificates of appealability provides that “[a] certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). A substantial showing of the denial of a constitutional right requires that “issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings.” *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Based on the record, and the law as discussed in Judge Mummert’s Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right.

Accordingly,

IT IS HEREBY ORDERED that the Amended Petition of Laurence Bonner for Writ of Habeas Corpus, [Doc. No. 2], pursuant to 28 U.S.C. § 2254 is **DENIED**.

IT IS FURTHER ORDERED that a Certificate of Appealability will not issue in that, as Petitioner has not made a substantial showing of the denial of a

federal constitutional right.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 7th day of July, 2009.

A handwritten signature in black ink, reading "Henry Edward Autrey". The signature is written in a cursive style with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE